

Guideline # 9

Gender Neutral Job Comparison

PAY EQUITY IMPLEMENTATION SERIES

The *Pay Equity Implementation Series* is designed to help employers, employees and bargaining agents to achieve pay equity and to understand their rights and obligations under the *Pay Equity Act*, R.S.O. 1990, c. P7, as amended (the *Act*). These guidelines do not restrict review officers of the Commission or the Pay Equity Hearings Tribunal in their interpretation of the *Act*. The series is published in a sequence that generally reflects the steps for implementing pay equity. (**Revised Summer 2002**).

SIGNIFICANCE

A gender-neutral comparison system is crucial in achieving pay equity to eliminate the traditional systemic discrimination in the value and compensation of women's work. A comparison system is the tool used to determine the value of the work done by male and female job classes, so that they can be compared in terms of value and compensation. The value of work is based on the skills and effort required, the responsibilities of jobs and the conditions under which the work is performed without regard to gender. Historically, work done primarily by women, has not been fully captured by traditional job comparison systems, and consequently, undervalued. Gender bias must be eliminated from all parts of the system, and all work done by female job classes is rendered visible and valued.

EXPLANATION

The *Pay Equity Act* requires that the work done by female job classes and male job classes be evaluated on the factors of skill, effort, responsibility and working conditions.

The *Act* also requires employers preparing pay equity plans to use a gender neutral comparison system (GNCS) to determine the value of the work performed, but does not specify details of the system to be used, nor does it define gender neutrality.

In the *Haldimand-Norfolk* (No. 6) 2 P.E.R.105, the gender neutrality of the comparison system was in question. The Pay Equity Hearings Tribunal determined that gender neutrality must be ensured in the following four stages of the job comparison process:

- A. The accurate collection of job class information.
- B. The mechanism or tool to determine the value of job classes.
- C. The application of the mechanism or tool to determine the value of the work.
- D. The comparison of job classes.

Steps A to C above have traditionally been called job evaluation. The Commission has published sample job comparison systems for bargaining agents and employers to use as adaptable models. The Commission does not guarantee that any particular system will comply with the *Act*. To meet the test of gender neutrality, the system used must reflect the

work performed in the establishment and be properly *applied*. The *Haldimand-Norfolk* case was the first legal discussion of gender-neutral job comparison by the Tribunal. The decision emphasized that the work done in each workplace must be specifically addressed in the GNCS and that generalized systems may not be able to do so. The Tribunal decision placed great emphasis on the accuracy and completeness of job information. It also set a high standard for removing gender bias from the definition, from the weighting of factors, and from the process of applying the system.

A. The accurate collection of job class information

The Tribunal identified four questions relating to the accurate collection of job class information: that should be considered when implementing pay equity:

1. What is the range of work performed in the establishment?
2. Does the system make work, particularly women's work, visible in the workplace?
3. Does the information being collected accurately capture the skill, effort and responsibility normally required in the work and the conditions under which it is normally performed for both the female job classes in the plan and the male job classes to be used for comparison?
4. Is the information collected accurately and consistently?

B. The Mechanism or Tool to Determine the Value of job classes

The Tribunal established four tests for assessing the gender neutrality of the comparison system.

1. Can the tool (GNCS) determine the value of the work performed using the required factors of skill, effort, responsibility and working conditions?
2. Is the choice of subfactors free of gender bias?
3. Are the levels or their equivalent, if used, free of gender bias?
4. Is the composite of skill, effort, responsibility and working conditions decided in such a way that it gives value to all four factors and is the point weighting free of gender bias?

C. The Application of the Mechanism or Tool to determine the value of the work

The Tribunal used five tests for evaluating the application of the measurement tool:

1. Is the valuing tool applied consistently without regard to the gender of the job class?
2. If a committee is used to evaluate job classes, is the committee representative, balancing the interests of the parties with duties and obligations under the *Act*?
3. If a committee is part of the system, is it sufficiently knowledgeable to allow the parties to meet their obligations?
4. Is the decision-making done in a manner free of gender bias?
5. Did the mechanism identify systemic wage discrimination?

The Assessment of Job Information

There are often language differences in the way information is gathered and jobs are described. Men tend to fully describe and women tend to under describe their jobs. Make sure that job content information is consistent and thorough in measuring the content of each job class and that it captures and makes women's work visible.

Selection and Definition of Subfactors

Under the *Act*, any comparison method used to do pay equity must measure the four factors of skill, effort, responsibility and working conditions. These factors are often divided into subfactors. For example, responsibility for machines and responsibility for people might be two subfactors of responsibility. Different subfactors may be chosen according to the characteristics that are valued in an organization.

The method used to collect job information (e.g. questionnaires, interviews, existing job descriptions) should reflect the choice of subfactors.

Stereotyped notions can affect both the descriptions of “women's jobs” and the definitions of subfactors. For example:

- The manual skills of a machinery repairperson may be considered but the dexterity skills of a typist may be overlooked.
- The physical effort required for the occasional lifting of heavy objects may be taken into account, while the more frequent lifting of lighter objects may not.
- Responsibility for spending authority and budgetary control may be considered, but responsibility for handling customer complaints may not.
- Working conditions such as working with noisy machinery might be valued while the stressful conditions caused by caring for mentally ill persons may be overlooked.

To avoid these kinds of inequities, make sure that subfactors which tend to favour female job classes are included, as well as those which tend to favour male job classes. When possible, subfactors should be defined in neutral terms that apply to both "women's jobs" and "men's jobs" and in broad enough terms to include the full range of tasks and duties found in all job classes within the establishment.

The Weighting of Factors and Subfactors

Most comparison systems allow for factors and subfactors to be weighted to reflect their relative importance to the organization. Weighting involves making judgements about how the organization values different aspects of job content, which is acceptable if the weightings are free of gender bias.

The factors with the heaviest and the lightest weightings should be carefully examined to ensure that these weights do not unreasonably favour one gender over the other.

Male job classes consistently scoring higher on the factors with the heaviest weightings and female job classes consistently scoring higher on the factors with the lightest weightings, may indicate gender bias in the system.

Applying the Gender Neutral Comparison System

The *Act* does not require that job comparison committees be used in the pay equity process. However, the PEO highly recommends the Committee approach because of its significant advantages. A committee may be able to draw on a wider knowledge of the various job classes in the establishment than a single evaluator. In addition, the results of a committee process may be seen to be fairer and, consequently, more acceptable to employees.

A committee should be representative of the people who work in the establishment. Its members should be female and male employees representing varying ages, years of experience, occupations and organizational levels. Where a bargaining unit plan is being negotiated, the committee would consist of both union and management representatives. The committee generally has greater credibility if its members are well respected within the groups of employees they represent.

Committee members should understand pay equity issues and be aware of how factors like gender stereotyping can influence job class analysis and decision-making. They should be trained to evaluate in a gender neutral way. They should also reach agreement on the chosen subfactors and their definitions, and how they are to be applied before the evaluation process begins.

Care should be taken to ensure that female and male job classes are evaluated as objectively as possible. For consistency, it may be advisable to rate all job classes on one subfactor at a time, instead of rating job classes one after the other. It is also advisable to disregard, or even remove job titles from jobs. The focus of job evaluation should be on the duties and responsibilities of a job rather than its perceived status within an already existing hierarchy of jobs.

RELEVANT SECTIONS IN THE ACT

Subsection 4(1)	States that the purpose of the <i>Act</i> is to redress systemic discrimination in compensation for work done by employees in female job classes.
Subsection 4(2)	States that systemic gender discrimination will be identified by comparing the value of work done and the compensation received by female job classes with male job classes in an establishment.
Subsection 5(1)	States that the value of work is the composite of skill, effort, responsibility and working conditions.
Subsection 5(2)	States that the accommodation of disabilities will not affect the value of work.
Subsections 6(1)	Sets out how pay equity is achieved using the job-to-job and comparison method.
Subsection 6(9) 6 (5)	Specifies which job class to evaluate in a group of jobs.
Section 12	Requires employers who will be posting pay equity plans to use a gender neutral comparison system (GNCS) to determine whether pay equity exists for each female job class.
Subsection 13(2)(a)	Specifies that pay equity plans must describe the gender neutral comparison system (GNCS) used to develop the plan.
Subsection 14(2)(a)	Specifies that employers and bargaining agents must negotiate and try to agree on the gender-neutral comparison system (GNCS).
Subsection 21.3(4)	Requires that a gender-neutral comparison system (GNCS) be used for comparisons when applying the proportional value comparison method.

Subsection 21.15(3) Requires that a gender-neutral comparison system (GNCS) be used for comparisons applying the proxy comparison method.

REFERENCES:

- Pay Equity Implementation Series (Revised) - Guideline #5: Determining Job Class*
Pay Equity Implementation Series (Revised) - Guideline #6: Using the "Group of Jobs" Approach
Pay Equity Implementation Series (Revised) - Guideline #7: Determining the Gender Predominance of Job Classes
Pay Equity Implementation Series (Revised) - Guideline #10: Which Job Classes to Compare
Pay Equity Implementation Series (Revised) - Guideline #14: Pay Equity Plans
Haldimand-Norfolk (No. 6) (1991), 2 P.E.R. 105
Women's' College Hospital (No. 4) (1992), 3 P.E.R. 61
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Overlooked Features of Women's Jobs (information sheet), Toronto, Ont.: Pay Equity Commission, 1991.
- "Pay Equity Tribunal Sets Standard for Gender Neutrality," *Pay Equity Commission Newsletter, Vol. 3, No. 3, October 1991, p.5.*
- "Principles of Gender Neutrality to Help You Achieve Pay Equity", *Pay Equity Commission Newsletter, Vol. 1, No. 7, September 1989, p. 1-4.*
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- "What's in a Name the Commission Asks... Review Your Job Titles and Find Out," *Pay Equity Commission Newsletter, Vol. 2, No. 10 January 1990, p. 5-6.*
- "Working Conditions in Your Workplace - Give This Factor the Close Scrutiny It Deserves," *Pay Equity Commission Newsletter, Vol. 2, No. 11, February/March 1990, p. 1-3.*

For More Information:

We are here to help. We can answer your questions by e-mail at <mailto:Pecinfo.Pecinfo@ontario.ca> or by phone at (416) 314-1896, or toll-free at 1-800-387-8813. You can also register for a free seminar. Visit our website at <http://www.payequity.gov.on.ca/peo/english/seminar.html>

All communications are confidential.

The Pay Equity Commission

This fact sheet is for information only, and is not intended to restrict Review Officers or the Pay Equity Hearings Tribunal in their determination of matters. Refer to the *Pay Equity Act* for exact interpretation.

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